

SENATE BILL NO. 489

BY SENATOR JACKSON

1 AN ACT

2 To amend and reenact R.S. 9:315.32(A), relative to child support; to provide for penalties;
3 to provide for failure to comply with a subpoena, warrant, or court order in child
4 support or paternity proceedings; to provide for the suspension of certain licenses;
5 to provide for an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:315.32(A) is hereby amended and reenacted to read as follows:

8 §315.32. Order of suspension of license; noncompliance with support order;
9 contempt of court

10 A.(1)(a) In or ancillary to any action to make past-due child support
11 executory, ~~for~~ **in an action for** contempt of court for failure to comply with an order
12 of support, or **in** a criminal neglect of family proceeding, the court on its own motion
13 or upon motion of an obligee or the department ~~shall, unless the court determines~~
14 ~~good cause exists,~~ **may** issue an order of suspension of a license or licenses of any
15 obligor who is not in compliance with an order of child support. The court shall give
16 specific written and oral reasons supporting its determination ~~of good cause~~
17 ~~including a finding as to the particular facts and circumstances that warrant a~~
18 ~~determination not to suspend a license or licenses of an obligor who is not in~~
19 ~~compliance with an order of child support~~ **to issue the order of suspension.** The
20 reasons shall become part of the record of the proceeding.

21 **(b) The court shall not issue an order for a suspension of a license**
22 **pursuant to this Paragraph unless it finds that a properly issued immediate**
23 **income assignment or garnishment of wages did not result in the withholding**
24 **or seizure of income and the obligor has not otherwise made payment toward**
25 **the obligation of child support.**

1 ~~(b)~~(c) An order suspending a license to operate a motor vehicle may provide
2 specific time periods for the suspension at the court's discretion.

3 (2)(a) In or ancillary to any child support or paternity proceeding, the court
4 on its own motion or upon motion of any party or the department may issue an order
5 of suspension of a license of any person who is guilty of contempt of court for failure
6 to comply with a subpoena or warrant.

7 ~~(b) Provided that before~~ **Before** the issuance of an order for a suspension of
8 a license of any person in, or ancillary to, any paternity proceeding where paternity
9 has not yet been established, the court shall notify such person by personal service.

10 **(3) If an obligor's failure to appear or failure to comply with an order**
11 **of support is due to incarceration as defined in R.S. 9:311.1 the court shall not**
12 **suspend the obligor's license.**

13 * * *

14 Section 2. This Act shall become effective upon signature by the governor or, if not
15 signed by the governor, upon expiration of the time for bills to become law without signature
16 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
17 vetoed by the governor and subsequently approved by the legislature, this Act shall become
18 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____